

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 19 2024

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

STADIUM CAPITAL LLC and DAVID  
SHERMAN,

Plaintiffs - Respondents,

v.

VIEW, INC., f/k/a CF Finance Acquisition  
Corp. II; et al.,

Defendants - Petitioners.

No. 24-5051

D.C. No.

5:21-cv-06374-BLF

Northern District of California,

San Jose

ORDER

Before: CHRISTEN and BRESS, Circuit Judges.

The motions for leave to file a reply (Docket Entry No. 5) and a sur-reply (Docket Entry No. 6) are granted.

The petition for permission to appeal is granted. *See* 28 U.S.C. § 1292(b). Within 14 days, petitioners must comply with Federal Rule of Appellate Procedure 5(d)(1).

The conditional cross-petition is granted. To the extent that respondents seek to challenge any district court ruling outside of the certified order, however, this court may lack jurisdiction. *See* 28 U.S.C. § 1292(b); *Couch v. Telescope Inc.*, 611 F.3d 629, 632-35 (9th Cir. 2010) (proper district court certification is a jurisdictional prerequisite to exercising jurisdiction over an appeal under

§ 1292(b)). Within 14 days, respondents must also comply with Federal Rule of Appellate Procedure 5(d)(1).